



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 CIVIL APPLICATION NO. 6483 OF 2022
IN FAST/31918/2019

Ganpati Bhagwan Pandhawale

....Applicant

VERSUS

The State Of Maharashtra And Ors

.....Respondents

.....

Mr. A. T. Jadhavar, Advocate for Applicant
Mr. S. V. Hange, AGP for the State.

CORAM : R. M. JOSHI, J.
DATE : 4th JANUARY, 2024.

PER COURT :

1. This application is filed for condonation of delay of 2012 days in filing first appeal against the judgment and award dated 2nd January, 2014 passed in LAR No. 540/2001.

2. Applicant has given reasons for condonation of delay like financial condition as well as climatic conditions in Osmanabad district for last few years owing to which he had suffered heavy loss. Learned counsel for applicant submits that the applicant would not have gained anything by not preferring the appeal for enhancement of compensation in time.

3. Learned AGP opposed the application by contending that no sufficient reason has been assigned by the applicant for condonation of delay.

4. It is settled law that unless malafides are shown, the Court should be liberal in condonation of delay in preferring appeal. As rightly pointed out by learned counsel for the applicant that applicant/appellant would not have gained anything by not preferring the appeal in time. Denial of interest for the period of delay, if appellant succeeds in appeal is sufficient condition for condonation of delay.

5. In view of this, application is allowed in terms of prayer clause 'B', subject to condition that appellant/applicant would not be entitled for interest for the period of delay, if he succeeds in appeal.

(R. M. JOSHI)
Judge